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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,938	06/30/2000	D'Arcy M. Tyrrell III	062986.0188	1501

7590 06/23/2005
Baker Botts LLP
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EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,938

Applicant(s)

TYRRELL, D'ARCY M.

Examiner

Aaron Strange

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/28/2005 have been fully considered but they are not persuasive.
2. The Examiner would like to note that claiming elements of the present invention as being "operable to" perform different tasks gives those limitations the same meaning as being "capable of" performing the recited tasks. For example, in claim 1, the limitation "the second schedule server operable to place an I/O wrapper" is met by any server which is capable of placing an I/O wrapper around the render job. In page 12, Lines 3-19, Applicant has states that a schedule server host may be a personal computer, file server, or any other computer capable of communicating and interconnecting with other computers. Austin discloses that the network service module is a computer, and is therefore "operable to" place an I/O wrapper around the render job. Claim 14 recites a similar limitation, but refers to a "second rendering site" instead of a second schedule server. Austin meets this limitation as well for similar reasons to those discussed above.

The Examiner recommends that Applicant amend the claims to state that the elements actually perform the tasks which they are "operable to" perform.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. With regard to claim 1, the limitation "place an I/O wrapper around the render job and any files accompanying the render job to permit access to said render job and files only by the render job", in lines 16-18, is unclear. It is unclear how the render job, described and claimed by Applicant as "a plurality of render frames and an associated job description" may access "said render job and files". The render job appears to merely be a collection of files, and does not appear to be capable of accessing anything, much less itself and associated files.

6. Claims 9 and 14 recite similar limitations and are rejected under the same rationale as claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin et al. (US 5,761,396) in view of Davis, III et al. (US 5,977,965).

9. In referring to claim 1 and 14, Austin shows a system for local and remote document processing of jobs. Each document processing system consists of at least a first and second virtual service (VS1, VS2, ... fig. 13) used to store and process first and second jobs of an image data. The virtual services are implemented as software or hardware or a combination of the two (col. 16 lines 50-53). Austin shows:

- A local rendering system operable to receive and render a render job (composite job) having a plurality render frames (compound segments) and associated job descriptions (d_j) (col. 11 lines 1-28).
- At least one remote rendering system (fig. 15, col. 17 lines 56-61) comprising a plurality of remote render servers (virtual services) and a second schedule server (document manager) coupled to the plurality of remote render servers (virtual services) and operable to receive from the local rendering system (fig. 13) the render job (composite job) and render the render job by distributing the render frames (first and second copy of frames) of the render job to at least two of the plurality of remote servers (VS1 and VS2) and further operable to return a result of the render job to the local rendering system (fig. 15) (col. 17 lines 37-61), the second schedule server operable to place an I/O wrapper around the render job and any files accompanying

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the render job to permit access to said render job and files only by the render job (network service module is a computer).

- o Wherein the local rendering system comprises a plurality of local render servers (virtual services) a first schedule server coupled to the plurality of local render servers and operable to determine, based at least in part on the job description, whether to render the render job locally by distributing one or more different render frames of the render job to at least two of the plurality of local render servers or to send the render job to the at least one remote rendering system for distributed rendering (col. 17 lines 37-56, see also Response to Arguments section above).
- o Wherein the first schedule server (document manager) is operable to collect and deliver to a remote rendering system (fig. 15), via a first hot folder (fig. 5, 76, col. 17 lines 18-26) and a communication medium, information associated with the render job.

Although Austin shows substantial features of the claimed invention, Austin does not particularly point out the *render job being associated with motion sequence of graphic images, wherein the render job has one or more different render frames*. Nonetheless these features are well known in the art, and would have been an obvious modification to the system disclosed by Austin, as evidenced by Davis.

In an analogous art, Davis shows a method for rendering a plurality of different frames of a motion picture at a plurality of rendering units and subsequently assembling the different rendered frames to form a motion picture image. Davis explains how rendering of multiple frames can be time consuming and relatively intensive and

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therefore dividing the processing required to render the multiple different frames of the motion picture job can be handled by distributed frame rendering at independent rendering units (fig. 3 and col. 2 lines 16-29). Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the features shown by Austin to employ the feature demonstrated by Davis, in order to render the multiple frames of a motion picture more quickly and efficiently than before.

10. In referring to claim 2, Austin shows a resource server (distribution agent) and a remote render service operable to create render slots for processing the render job (job ticket at the VS, col. 18 lines 43-55).

11. In referring to claim 3, Austin shows the second schedule server (documents manager, fig. 15) operable to receive a render job from the local rendering system via a second hot folder (76) and distribute the job to at least two remote services based on information provided in the job description (dj and table in fig. 13) and further based on information in resource database (distribution agents database- db) (col. 17 line 62- col. 18 line 29).

12. In referring to claim 4, Austin shows a new job queue (S3a.b) and outsourced job queue (fig. 15), wherein the distribution agent is able to move the job from new job

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queue to outsourced job when the job description specifies remote rendering (col. 17 line 56-61).

13. In referring to claim 5, Austin shows that the remote rendering system is able to queue incoming jobs from the local rendering system as active jobs (col. 18 lines 35-39).

14. In referring to claim 6, Austin further discloses a resource database operable to store resource information and control distribution of render frames including availability information (network service module is a computer).

15. In referring to claim 7, Austin shows that the second schedule server is operable to deliver the completed render job to the local rendering system via the communication medium shown in fig. 15.

16. In referring to claim 8 and 19, Austin shows the document manager is able to store and transmit completed jobs by placing them into storage and notifying the supplier of the completion of render job. The document manager is able to remove the job from an outsource job queue comprising one or more render jobs sent to the remote rendering system (col. 18 lines 30-55).

17. In referring to claim 15, Austin shows redirecting request by the remote services to access the associated files from a central file storage location at distribution agent (col. 17 lines 18-26).

18. In referring to claim 16, Austin shows the remote services writing an output file associated with the render job to a central storage area at the document processor (col. 18 lines 56-65).

19. In referring to claim 17, Austin shows the document processing results are stored at virtual service.

20. In referring to claim 18, Austin shows delivering a render job from a first hot folder (fig. 5, 76) located at distribution agent which is coupled to document manager, to a second hot folder at a distribution agent remotely located from first distribution agent, and coupled to a remote document manger (fig. 13 and 15, col. 17 lines 18-26 and 56-61). The remote rendering system is able to queue incoming jobs from the local rendering system as active jobs (col. 18 lines 35-39).

21. In referring to claim 20, Austin shows the document manager is able to determine whether to render the render job at the first or second rendering site (col. 17 lines 56-col. 18 line 30).

Allowable Subject Matter

22. Claim 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

23. Claims 10-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

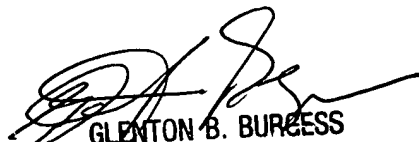
Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS 6/17/2005


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